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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,663	10/10/2001	Kun-Tsang Kuo	67,200-465	2709

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,663

Applicant(s)

KUO, KUN-TSANG

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 6/23/2004.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 5, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,160,190 to Farrell et al in view of USP 4,999,671 to Iizuka.

Farrell et al discloses a storing movable double-sided rack system having all the elements recited in the above listed claims including a plurality of flat tracks 22, a plurality of storage units 32 having wheels, shelves 16, partitions 18 to form cells and a drive mechanism (col. 5, lines 48-50). Farrell et al also discloses that commercial mobile storage systems are typically made from metal. It is inherent that a metal shelving system would be grounded. Therefore, it is inherent that the partitions 18 being electrically connected by connecting to the shelves of the racks and the racks being electrically grounded when the rack wheels contact the flat tracks. The recitation of a newly discovered function or property inherently possessed by things in the prior

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art does not cause a claim drawn to these things to distinguish over the prior art. The different being that Farrell et al does not disclose each of the plurality of cells houses a reticle in a box.

Iizuka teaches that it is well known in the art to house a plurality of reticles in a rack by providing said rack with a plurality of reticle cells therein, wherein each said cell houses a reticle in a box in order to facilitate transporting reticles from one location to another. Therefore, it would have been obvious and well within the level of one skill in the art to house a plurality of reticles in the rack of Farrell et al by having each of said cells houses a reticle in a box in order to transport reticles from one location to another, as taught by Iizuka, since both teach alternate conventional rack structure, used for the same intended purpose of housing a plurality of articles, thereby providing structure as claimed.

5. Claims 3-4, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell et al, as modified, as applied to claim 1 above, and further in view of USP 6,247,769 to Spitzer.

Farrell et al, as modified, discloses all the elements as discussed above except for sloped shelves directed inside the racks, wherein said slope is about 8 degrees, and each reticle is a ceramic substrate coated with a metallic layer forming a pattern for an electronic circuit.

Spitzer teaches the idea of a mobile rack having a plurality of sloped shelves 125 directed inside the racks in order to prevent cargo spillage. Since the references are from the same field of endeavor, it would have been obvious to one skill in the art to modify the structure of Farrell et al, as modified, by having the shelves sloped toward the inside of the racks in order to prevent cargo spillage, as taught by Spitzer, since both teach alternate conventional mobile rack structure, thereby providing structure as claimed. In regard to the slope being about 8 degrees, since applicant fails to disclose the criticality of having the shelves sloping at this specific angle,

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having the shelves sloping at this specific angle merely amounts to a matter of engineering choice and thus, while being a difference, does not serve in any way to patentably distinguish the claimed invention from the applied prior art of Farrell et al, as modified by Spitzer. In regard to each reticle is a ceramic substrate coated with a metallic layer forming a pattern for an electronic circuit, it is well known in the art and admitted in applicant's specification, paragraph 0005 that a reticle includes a ceramic substrate coated with a metallic layer forming a pattern for an electronic circuit.

6. Claims 6-8, 10-11, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell et al in view of Iizuka and Spitzer.

Farrell et al discloses a storing movable double-sided rack system having all the elements recited in the above listed claims including a plurality of flat tracks 22, a plurality of storage units 32 having wheels, shelves 16, partitions 18 to form cells and a drive mechanism (col. 5, lines 48-50). Farrell et al also discloses that commercial mobile storage systems are typically made from metal. It is inherent that a metal shelving system would be grounded. Therefore, it is inherent that the partitions 18 being electrically connected by connecting to the shelves of the racks and the racks being electrically grounded when the rack wheels contact the flat tracks. The recitation of a newly discovered function or property inherently possessed by things in the prior art does not cause a claim drawn to these things to distinguish over the prior art. The difference being that Farrell et al does not disclose each of the plurality of cells houses a reticle in a box, and sloped shelves directed inside the racks, wherein said slope is about 8 degrees.

Iizuka teaches that it is well known in the art to house a plurality of reticles in a rack by providing said rack with a plurality of reticle cells therein, wherein each said cell houses a reticle

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in a box in order to facilitate transporting reticles from one location to another. Therefore, it would have been obvious and well within the level of one skill in the art to house a plurality of reticles in the rack of Farrell et al by having each of said cells houses a reticle in a box in order to transport reticles from one location to another, as taught by Iizuka, since both teach alternate conventional rack structure, used for the same intended purpose of housing a plurality of articles, thereby providing structure as claimed.

Spitzer teaches the idea of a mobile rack having a plurality of sloped shelves 125 directed inside the racks in order to prevent cargo spillage. Since the references are from the same field of endeavor, it would have been obvious to one skill in the art to modify the structure of Farrell et al, as modified, by having the shelves sloped toward the inside of the racks in order to prevent cargo spillage, as taught by Spitzer, since both teach alternate conventional mobile rack structure, thereby providing structure as claimed. In regard to the slope being about 8 degrees, since applicant fails to disclose the criticality of having the shelves sloping at this specific angle, having the shelves sloping at this specific angle merely amounts to a matter of engineering choice and thus, while being a difference, does not serve in any way to patentably distinguish the claimed invention from the applied prior art of Farrell et al, as modified by Spitzer.

7. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,123,126 to Querengasser in view of Farrell et al and Iizuka.

Querengasser discloses a storing movable double-sided rack system having all the elements recited in the above listed claims including a plurality of metal tracks, a plurality of metal storage units 26 having wheels, shelves, and a drive mechanism, wherein the metal tracks are positioned in longitudinal or parallel alignment with the longitudinal length of the shelves. It

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is inherent that a metal shelving system would be grounded. The differences being that Querengasser does not disclose partitions to form cells for housing reticles therein, and each of the plurality of cells houses a reticle in a box.

Farrell et al teaches the idea of providing a plurality of shelves with a plurality of partitions 18 in order to form a plurality of cells thereon. Iizuka teaches that it is well known in the art to house a plurality of reticles in a rack by providing said rack with a plurality of reticle cells therein, wherein each said cell houses a reticle in a box in order to facilitate transporting reticles from one location to another. Therefore, it would have been obvious and well within the level of one skill in the art to provide the shelves of Querengasser with a plurality of partitions 18 in order to form a plurality of cells thereon, as taught by Farrell et al, and to house a plurality of reticles in the rack of Querengasser, as modified by Farrell et al, by having each of said cells houses a reticle in a box in order to transport reticles from one location to another, as taught by Iizuka, since the references teach alternate conventional rack structure, used for the same intended purpose of housing a plurality of articles, thereby providing structure as claimed.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed 6/23/04 have been fully considered but they are not persuasive.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the partitions 18, as shown in FARRELL, Fig. 1 do not appear able to vertically support the single reticle in a

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box”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. In response to applicant’s argument on page 15 of the above-noted amendment regarding Farrell lacking any showing of electrical connection between the rack, the shelves and the partitions formed within the shelves to ground the mobile unit of Farrell, the examiner takes the position that Farrell teaches that commercial mobile storage systems are typically made from metal and since the mobile system of Farrell is made from metal, it is inherent that the metal mobile system of Farrell would be grounded.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tannous et al, and Hugg both show structures similar to various elements of applicant’s disclosure.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
October 2, 2004

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

